

REMARKS

Reconsideration of all grounds of objection and rejection, and allowance of the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-25 and 29-33, as amended, remain pending, with claims 26-28 canceled without prejudice or disclaimer.

Applicants thank the Examiner for indicating claims 1-4, 7-9, 13-15, 19, 21-23, 25-31 and 33 would be allowable if amended and/or rewritten to overcome rejections under 35 U.S.C. §112, second paragraph set forth in the Office Action.

Claim 1 is amended to recite safety means that require manual intervention to neutralize the safety means prior to actuation of the decoupling means without specifying the particular examples of these means. The particular examples were moved to claim 33. Support for this is found in the specification at least at page 3, lines 7-8. The feature "said safety means requiring manual intervention to neutralize said safety means prior to permitting actuating of said decoupling means" is an apparatus feature reflecting that the safety means is configured to require such intervention.

Amended claim 33 recites features formerly in claim 1, namely "the manual intervention to neutralize said safety means selected from the group consisting of inserting a specialized tool into said safety means, activating a specialized key to neutralize said safety means, and breaking a cover that shrouds access to neutralize said safety means." Again these features are apparatus features reflecting that the safety means is configured to require such intervention.

I. Objections to the Drawings

The final Office action objected to the previously filed replacement sheet containing an amended Fig. 1. Applicants respectfully submit the connection shown in the previously-filed replacement sheet did not add anything with regard to the connection and/or operation of the automated door closure assembly not already well-known in the art, and provide proof that the connection and/or operation was merely conventional knowledge.

The attached brochures for sectional doors and door operators are all from a time prior to the priority date of the present application and from various companies (ATTACHMENT II). The photographs in the brochures indicate it is common to connect jack shaft operators on an end of a door shaft that is arranged above a sectional door.

Fig. 1 has been replaced with an amended version to comply with the requirement from the previous Office action that the drive tube 10a, door leaf 10b, door 10c, door jam 10d, and building 10e be shown in the drawings as these items appear in the claim language. Applicants have removed discussion from the specification and drawings regarding connection and/or operation of the door relative to the drive means added and rejected in the previous Amendment.

Fig. 1 also shows a wrench 59, as an example of the particular specialized tool disclosed in the specification at page 14, line 21. Thus, no new matter has been added by the new replacement sheet for Fig. 1.

In addition, Applicants respectfully submit the claimed invention is directed to an emergency release device for an automated door closure (e.g. building closure) assembly. Applicants respectfully submit that while the door closure assembly can be mounted onto a door jamb, the Applicants do not claim a door jamb, in for example claim 23, which is a frame that is normally attached to a wall and to which a door is hingedly attached.

Nor do the Applicants claim a building area or an overhead door. Virtually any type of door closure assembly can have the claimed emergency release device.

However, the door jam and building area are now shown in Fig. 1.

Figs. 13a, 13b and 13c have been added to show the wire seal 588, cover 589 and glass 590, and lock 591 and key 592 as some of variations of the safety means of a screw 58 that requires manual intervention prior to using the decoupling means. This for example shows a specialized tool, specialized key and a cover that can be broken. No new matter has been added, as the wire seal, glass cover and lock and key are all disclosed in the specification at least at page 4, lines 9 to 24.

Reconsideration and withdrawal of all grounds of objections to the drawings are respectfully considered.

II. Objection to the Specification

The heading "Detailed Description of the Preferred Embodiments" has been added.

The specification has been amended to conform to the drawing changes in Fig. 1 and to include a brief discussion of the alternate safety means shown in new Figs. 13a, 13b, 13c.

III. Rejection of Claims 1-33 under 35 U.S.C. §112, second paragraph

Applicants have exercised good faith in addressing all of the grounds of rejection under 35 U.S.C. §112, second paragraph that were cited in the Office Action.

In addition, claim 1 recites "a safety means for preventing at least one of unintentional actuation and unauthorized actuation of the decoupling means." The terms "unintentional" and "unauthorized" come directly from the specification (page 3, lines 4-5), and without the safety means, the decoupling means is more vulnerable to being accidentally activated, for example, by a child who would otherwise merely pull on a lever and cause the door to drop downward toward the ground. In addition, unauthorized actuation of the decoupling means could be made by the child who is not allowed to touch the garage door opener, yet decides to do so. Without the safety means of the claimed invention and the need to neutralize the safety means before activating the emergency release, an unauthorized or unintentional actuation of the decoupling means could cause the door to drop downward while someone or something is in the path of the door, causing damage and/or injury.

In the specification at page 2, lines 3-5, this drop downward is referred to as "guillotine" or "free-fall" and is recognized in the art as a problem with known automated door closure systems that have disconnect systems to bypass, for example, a bound motor that leaves the door stuck in an open position.

Claim 5 has been amended to depend from claim 1. In addition, claims 8 and 22 have been amended to delete duplicative phraseology.

Claims 26-28 have been canceled without prejudice or disclaimer. Applicants respectfully submit that irregardless of the cancellation of these claims, any type of an automated door closure assembly that includes the emergency release device as set forth in claim 1, or any of the pending claims, is within the spirit of the claimed invention and the scope of the pending claims.

Finally, claim 33 has been amended to depend from claim 1 and recite specific types of safety means requiring manual intervention formerly specified in claim 1.

Thus, reconsideration and withdrawal of this ground of rejection are respectfully requested.

IV. Rejections of Claims under 35 U.S.C. §102(b)

Claims 5, 6, 10-12, 16-18, 20, 24 and 32 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Slopa (U.S. 4,098,023). Applicants respectfully submit this

ground of rejection is now moot because base claim 5 has been amended to depend from claim 1, which was indicated in the Office as reciting allowable subject matter. Claims 6, 10-12, 16-19, 20, 24 and 32 are all allowable at least because of their dependence, directly or indirectly, from claim 5, which is now believed to be allowable.

Reconsideration and withdrawal of all grounds of rejection under 35 U.S.C. 102(b) are respectfully requested.

V. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections in the Office Action of February 24, 2006 are overcome. Hence, a Notice of Allowance is respectfully requested.

Respectfully submitted,



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Enclosures:

ATTACHMENT I
ATTACHMENT II

APV/SG

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ATTACHMENT I - Replacement Sheet Fig. 1 and New Sheets for Figs. 13a, 13b, 13c

IN THE DRAWINGS

Please replace Fig. 1 with the amended Fig. 1 provided as a Replacement Sheet in ATTACHMENT I to this Amendment. The attached sheet includes changes to Fig. 1 as required by the Office Action. This sheet replaces the original Fig. 1.

As requested by the previous Office Action, Fig. 1 is amended to:

(i) add a sketch of a garage door 10c having a leaf 10b; (ii) add a door jam 10d, and (iii) add a portion of a building 10e (i.e. building area) which is serviced by the door 10c. Fig. 1 is also amended to: (iv) add a drive tube 10a connected to the driven shaft 10. The door 10c moves vertically relative to the door jamb 10d.

Fig. 1 is also amended to: (v) add a wrench 59 as an example of a specialized tool formerly in claim 1 and now in claim 33.

New Figs. 13a, 13b and 13b have been added as New Sheets in ATTACHMENT I to this Amendment.

Fig. 13a shows a wire seal.

As also requested by the Office Action, Figs. 13b and 13c show the breakable cover, lock and specialized key features recited formerly in claim 1 and now in claim 33.

No new matter has been added.